

Message Text

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ACTION EB-11

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EXCON

E.O. 11652: XGDS-1

TAGS: ESTC, COCOM, CH

SUBJECT: JAPANESE PROPOSAL ON APPLICABILITY OF NOTE 4 - IL1565

REF: A. COCOM DOC (73) DEF 1565/1

B. STATE 20323

C. COCOM DOC (73) DEF 1565/2

SUMMARY. AT NOV 27 MEETING UKDEL CONDITIONED AGREEMENT TO JAPANESE PROPOSAL ON COMMITTEE'S ACCEPTANCE OF A NOTE LIMITING TO EIGHT MONTHS THE VALIDITY OF PROPOSED NOT 4 EXTENSION. JAPANESE DEL COUNTERED WITH SUGGESTION FOR CONCURRENT UNDERSTANDING THAT REVIEW OF IL 1565 BE BEGUN IN FOUR OR SIX MONTHS. DISCUSSION TO BE RESUMED DEC 4. END SUMMARY.

1. AS INDICATED REF C, ALL DELS EXCEPT GERMAN AND UK ACCEPTED JAPANESE PROPOAL AT NOV 13 MEETING. GERMAN DEL LIFTED RESERVE NOV 20, LEAVING ONLY UK IN RESERVE. AT NOV 27 MEETING, UKDEL RECORDED BRITISH RESPONSIVENESS TO CD PROBLEM AND WILLINGNESS TO APPROACH IT IN SAME SPIRIT, BUT VIEWING IT AS INTEGRAL PART OF REVIEW OF ITEM AS AWHOLE. HIS AUTHORITIES FELT COCOM SHOULD NOT COMMIT ITSELF TO A PREJUDGMENT WHICH MIGHT MAKE MORE DIFFICULT A LATER RELAXATION JUSTIFIED BY TECHNICAL PROGRESS IN THE EUROPEAN COMMUNIST COUNTRIES. AT
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SAME TIME THEY APPRECIATED SHORT-TERM PROBLEM POSED

BY CDM THEY WERE PREPARED TO APPROVE JAPANESE PROPOSAL BUT ONLY LONG ENOUGH FOR COMMITTEE TO EXAMINE 1565 AS A WHOLE. IT SHOULD BE POSSIBLE TO MEASURE TIME GAP TO BE BRIDGED. IN MANNER SIMILAR TO THAT APPLIED WITH RESPECT TO ITEM 1520, THEY PROPOSED A NOTE LIMITIN VALIDITY OF NOTE 4 EXTENSION TO EIGHT MONTHS. ASSUMING COMMITTEE BEGAN ITS REVIEW IN SIX MONTHS, AND ALLOWING ONE MONTH FOR REVISED 1565 TO TAKE EFFECT, EIGHT MONTHS SEEMED ABOUT RIGHT. THIS WOULD ALLOW COMMITTEE TO EXAMINE WHETHER IT HAD PROVED PRACTIABLE, IN LIGHT OF PROGRESS MADE IN ITEM REVIEW, TO OPERATE COMPUTER CONTROLS WITHOUT A DIFFERENTIAL. UKDEL DID NOT OFFER ANY FORM OF WORDS FOR SUCH A NOTE, BUT BILATERALLY TO USDEL HE EXPRESSED VIEW IT COULD BE SIMILAR TO OTHER LMITED VALIDITY NOTES.

2. JAPANESE DEL (WHO HAD BEEN INFORMED OF UK FORMULA LAST WEEK) SAID HIS AUTHORITIES SHARED UK HOPE FOR EARLY COCOM REVIEW OF 1565, COMMENCING IN SIX MONTHS AT LATEST. BUT THEY FEARED THAT EIGHT MONTHS WOULD BE TOO SHOT TO BE SURE THAT THIS HOPE WOULD BE REALIZED; IN EFFECT IT LEFT ONLY ONE MONTH FOR REVIEW OF THE ITEM, AND VALIDITY PERIOD MIGHT EXPIRE BEFORE REVISED ITEM COULD ENTER INTO FORCE. SO THEY ASKED UK TO AGREE TO THEIR PROPOSAL WITHOUT TIME LIMIT, BUT WIT CONCURRENT UNDERSTANDING THAT COMMITTEE WOULD STRIVE TO BEGIN 1565 REVIEW AT LATEST WITHIN SIX MONTHS, AND -- IF DESIRED BY OTHER DELS -- ANOTHER CONCURRENT UNDERSTANDING THAT ACCEPTANCE OF JAPANESE POPOSAL WOULD NOT PREJUDICE THEIR POSITION ON ITEM REVIEW. JAPANESE DEL ALSO OFFERED NO TEXT FOR SUCH UNDERSTANDINGS, OR ANY FURTHER DETAILS AS TO THEIR CONTENT.

3. WARNING HE WOULD HOLD OUT NO HOPE THAT UK AUTHORITIES WOULD ACCEPT JAPANESE POPOSAL AS ORIGINALLY TABLED, WITHOUT LIMITED VALIDITY NOTE, UKDEL PROMISED TO REFER JAPANESE COUNTERPROPOSAL FOR TWO CONCURRENT UNDERSTANDINGS TO HIS AUTHORITIES. AS TO SUGGESTED TIMING, UK AUTHORITIES PREFERRED THAT 1565ITEM REVIEW START WITHIN FOUR MONTHS, INSTEAD OF SIX, SINCE IT WAS PART OF 1971 LIST REVIEW AND SHOULD BE CONCLUDED BEFORE 1974 SUMMER RECESS AND POSSIBLE START OF NEXT LIST REVIEW IN THE FLL. SINCE UK HAD BEEN CONFIDENTIAL

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ASKED TO CHANGE ITS POSITION, UK AUTHORITIES WOULD WISH TO SEE IF THERE WAS CONSENSUS AMONG OTHER DELS, ESPECIALLY US, ON PROPOSED TIMING OF ITEM REVIEW BEFORE TAKING FINAL POSIION.

4. IN TOUR OF TABLE, JAPANESE DEL AGREED TO FOUR MONTHS FOR START OF ITEM REVIEW PROVIDED IT WERE POSED IN FORM OF CONCURRENT UNDERSTANDING, AS HE HAD SUGGESTED. FRENCH, GERMAN,

CANADIAN, AD ITALIAN DELS ALSO AGREED TO FOUR MONTHS, CANADIAN
AD REFERENDUM. BELGIAN WAS ABSENT. DUTCH AND US
DELS RESERVED PENDING RECEIPT OF INSTRUCTIONS.

5. COMMITTEE AGREED TO RESUME DISCUSSIO ON DEC 4 TO EXPRESS
VIEWS ON JAPANESE SUGGESTIONS IN PARA 2 ABOVE. DRAFT RECORD
OF DISCUSSION, DOC (73) DEF 1565/3, POUCHED EWT-GREGORY.

6. ACTION REQUESTED: THREE QUESTIONS ARE HEREPRESENTED:

A. WHETHER THE USG IS PREPARED TO AGREE IN PRINCIPLE
TO START ITEM 1565 REVIEW WITHIN FOUR OR SIX MONTHS, OR
ANY OTHER SET LIMIT;

B. IF SO, WHICH OF THE TWO FORMULAS -- THE JAPANESE
SUGGESTION FOR A CONCURRENT UNDERSTADING OR THE UK DESIRE
FOR A LIMITED VALIDITY NOTE -- IS PREFERRED BY THE US
AUTHORITIES. IF USG IS NOT PREPARED TO COMMIT ITSELF
TO A SET TIME LIMIT, THEN THE SECOND OF THESE QUESTIONS
APPEARS TO NEE NO ANSWER.

C. THERE REMAINS THE FURTHER QUESTION OF OUR
ATTITUDE TO SECOND CONCURRENT UNDERSTANDING PROPOSED
BY THE JAPANESE: THAT ACCEPTANCE OF EXTENDED
APPLICABILITY OF NOTE 4 DOES NOT PREJUDICE POSITIONS
OF PC'S IN ITEM REVIEW.

7. INSTRUCTIONS AREREQUESTED ON FOREGOING POINTS BY DEC 4.
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